

## **REMARKS**

The Office Action dated April 21, 2008 has been received and carefully noted. The above amendment to Claim 1 and the following remarks are submitted as a full and complete response thereto.

Claims 1-13 are rejected. Claim 1 is amended. Thus, Claims 1-13 are pending in this application. Support for the amendments may be found in the specification as originally filed, for example, at least in lines 17 – 21 on page 4. Applicant submits that no new matter is added. Applicant respectfully requests reconsideration and withdrawal of the rejections.

### **Rejections Under 35 U.S.C. § 103**

Claims 1-13 are rejected under 35 U.S.C. §103(a) as being unpatentable over Cloud (U.S. Patent No. 5,081,819, hereinafter “Cloud”) in view of Rudd et al. (U.S. Patent No. 3,579,350, hereinafter “Rudd”). Applicant respectfully traverses this rejection.

The Examiner stated that Cloud does not disclose the claimed one forming head coupled with the pocket and being mobile towards and away from the pocket; nor for each and every pocket at least one forming head individually associated with that pocket. The Examiner also stated that Beverage (i.e., Rudd) discloses a similar apparatus with the use of forming head coupled with the pocket and being mobile towards and away from the pocket, wherein for each and every pocket at least one forming head individually associated with that pocket.

In the Examiner's opinion, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have substituted Cloud's impressing belt 37 by using a forming/impressing head, as suggested by Rudd in order to greatly increase the total number of pods produced.

Claim 1 as currently amended recites that "the actuating means are mobile along a circular path in synchrony with the revolving drum conveyor means about an axis of rotation of the revolving drum conveyor means."

Cloud fails to disclose actuating means mobile along a circular path in synchrony with the revolving drum conveyor means about an axis of rotation of the revolving drum conveyor means. Cloud only discloses a flexible rubber belt (38) which has a portion movable along an arcuate path (and not along a circular path, since an the arcuate path along which moves said portion of the flexible rubber belt represents only a portion of a circular path) about the axis of rotation of the drum (18). Applicant puts in evidence that the arcuate path followed by said portion of the flexible rubber belt is clearly different from a circular path. On the other hand, if said portion of the flexible rubber belt of Cloud would be used as following a circular path, it will result that all the periphery of the drum would result entirely wrapped with the flexible rubber belt, and therefore the apparatus could not work. It is therefore evident that Cloud discloses that the flexible rubber belt has a portion movable along an arcuate path and not along a circular path.

Rudd fails to disclose actuating means mobile along a circular path in synchrony with the revolving drum conveyor means about an axis of rotation of the revolving drum conveyor means. Rudd only discloses a forming head which is placed at a fixed position with respect to the advancing direction of the forming plates (25). Therefore,

Rudd fails to disclose either that the actuating means are movable along a circular path and that the actuating means are movable in synchrony with the revolving drum conveyor means about an axis of rotation of the revolving drum conveyor.

Further, the Office Action relies upon Figure 3 and Figures 12 – 15 of Rudd as teaching for each and every pocket of the revolving drum means at least one forming head individually associated with that pocket. The specific reliance upon those figures shows the error of the rejection. The Office is ignoring specific claim language. Each of Figures 3, 4, 12, 13, 14, and 15 show forming plates 25 having recesses or pockets 31a moving along the conveyor with only three forming heads 46, 47, 48. In view, in Figures 3, 12, 13, 14, and 15 are SIX pockets and only THREE forming heads. In Figure 4, there are shown THIRTEEN pockets and only THREE forming heads. This is not a teaching of each and every pocket having at least one forming head individually associated with that pocket as specifically claimed.

As a consequence, Cloud and Rudd fail to disclose, either alone or in combination, all the features of Claim 1 as currently amended.

In view of what above, Applicant respectfully submits that the invention recited by Claim 1 is not obvious over Cloud in view of Rudd and should therefore be deemed patentable.

Claims 2-13 depend from Claim 1. It is respectfully submitted that these dependent claims be deemed allowable for at least the same reasons Claim 1 is allowable.

## Conclusion

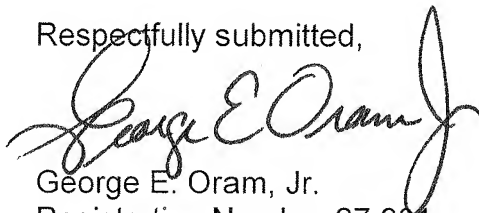
In view of the above, reconsideration of the application, withdrawal of the 35 U.S.C. § 103 rejections, allowance of Claims 1-13 and the prompt issuance of a Notice of Allowance is respectfully requested.

Applicant's counsel remains ready to assist the Examiner in any way to facilitate and expedite the prosecution of this application.

Applicant respectfully submits that this application is in condition for allowance and such action is earnestly solicited. If the Examiner believes that anything further is desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact Applicant's undersigned representative at the telephone number listed below to schedule a personal or telephone interview to discuss any remaining issues.

In the event that this paper is not being timely filed, the Applicant respectfully petitions for an appropriate extension of time. Any fees for such an extension, together with any additional fees that may be due with respect to this paper, may be charged to Counsel's Deposit Account Number 01-2300, referencing Docket Number 023349-00318.

Respectfully submitted,



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